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Supreme Court, U.S.
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NO. _____

In The
Supreme Court of The United States
October Term 1995

MICHAEL SLAIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Petition For A Writ Of Certiorari
From The United States Court of
Appeals For The Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

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I

QUESTION PRESENTED FOR REVIEW

Whether an actual conflict of interest sufficient to deny Petitioner the Right to Counsel under the Sixth Amendment has been established by counsel's failure to timely raise issues regarding Petitioner's lack of culpability vis a vis Petitioner's co-defendants, one of whom was also represented by Petitioner's counsel.

PARTIES BELOW

In the United States District Court for the Northern District of Ohio, the Plaintiff was the United States of America; the Defendants were John Rauckhorst, Michael Slain and Douglas Duker.

In the United States Court of Appeals for the Sixth Circuit, the Appellants were John Rauckhorst and Michael Slain; the Appellee was the United States of America.

This Petition is filed on behalf of Michael Slain only.

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No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

MICHAEL SLAIN,

PETITIONER,

VS.

UNITED STATES OF AMERICA,

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

The Petitioner, Michael Slain, respectfully prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Sixth Circuit entered on the 22nd day of May, 1995.

OPINION BELOW

On May 22, 1995, the United States Court of Appeals for the Sixth Circuit

entered an opinion affirming the conviction of Petitioner for mail fraud in violation of 18 U.S.C. § 1341, transportation of stolen goods in violation of 18 U.S.C. § 2314, securities fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff, and conspiracy to commit the above offenses in violation of 18 U.S.C. § 371. A copy of the opinion is attached as Appendix A.

JURISDICTIONAL STATEMENT

The date of the entry of the judgment sought to be reviewed is May 22, 1995, the date the United States Court of Appeals for the Sixth Circuit affirmed the conviction of Petitioners in a written opinion.

On August 11, 1995, Justice Stevens granted a Motion for Extension of Time

within which to file the Petition for a Writ of Certiorari until October 19, 1995.

The statutory provision believed to confer on this Court jurisdiction to review the judgment in question by Writ of Certiorari is Title 28, United States Code, § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

The constitutional provision involved is the Sixth Amendment to the United States Constitution, which states:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for

obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

Petitioner was charged, along with co-defendants John Rauckhorst and Douglas Duker, in an eight count indictment in the United States District Court for the Northern District of Ohio. The indictment was returned on March 19, 1991. Arraignment was conducted on April 5, 1991 and trial by jury commenced on September 27, 1993.

Generally, the government alleged that the defendants committed fraud in the formation and operation of an entity known as the Financial Directors' Corporation Mobile MRI (hereinafter "FDC Mobile MRI"). The financial Directors Corporation (hereinafter "FDC") established FDC Mobile MRI with the

purpose of soliciting twenty (20) limited partner investors at $40,000 each for a total of $800,000. These funds would be used to purchase a mobile magnetic resonance imaging machine ("MRI").

FDC Mobile MRI would lease the machine to a company known as Trans Mobile Nuclear (hereinafter "TMN"). TMN would pay lease payments to FDC Mobile MRI from monies generated through contracts with hospitals for operation of the machines.

In late 1985 or early 1986, Diasonics, Inc. sold an "MRI" to "FDC Mobile MRI" An invoice showed a total charge of $2,465 for the "MRI", which was financed by Phoenix Leasing. A commission check for $308,000 was issued to H & D Medical Concepts, Inc., a

company owned by the three defendants, which in turn issued checks to the defendants.

All of the charges are predicated on the government's allegation that an offering memorandum for the sale of limited partnerships contained false statements that fraudulently induced the investment of a total of $240,000 by five investors. The offering memorandum stated that the money would be deposited in escrow and, in the event the $800,000 was not raised by a certain date, FDC Mobile MRI would either purchase the unsold partnerships or return the investors' money. The evidence adduced by the government at trial suggested that the terms of the offering memorandum were not complied with by FDC Mobile MRI.

Defendants Rauckhorst and Slain were jointly represented by attorney Gerald Messerman at trial. During the course of the trial and in closing argument, no attempt was made by attorney Messerman to distinguish the culpability of the Petitioner from that of the co-defendants. However, in a post-trial motion for judgment of acquittal, or in the alternative, for a new trial, filed by attorney Messerman on behalf of Petitioner, several issues are raised for the first time which distinguish, even minimize Petitioner's culpability vis a vis co-defendant Rauckhorst.

The defendants were convicted on all counts on October 18, 1993. A timely appeal to the United States Court of Appeals for the Sixth Circuit was filed

on April 29, 1994. The Court of Appeals affirmed the judgment of the District Court on May 22, 1995. A Motion for Extension of Time to file a Petition for a Writ of Certiorari was granted by Justice Stevens until October 19, 1995.

REASON FOR THE ALLOWANCE OF THE WRIT

The Court of Appeals for the Sixth Circuit has decided the instant case in a manner that conflicts with the decision of this Court in Cuyler v. Sullivan, 446 U.S. 335 (1980).

In Cuyler, this Court decided an issue expressly reserved in Holloway v. Arkansas, 435 U.S. 475 (1978), to wit: whether the mere possibility of a conflict of interest warrants the conclusion that the Defendant was deprived of his right to counsel. The Court concluded that "... a defendant

who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Cuyler, supra, at 348.

Although not establishing a "bright line" test to determine what constitutes an actual conflict of interest, this Court provided some guidance by reviewing Glasser v. United States, 315 U.S. 60 (1942).

In Glasser, defense counsel failed to cross-examine a prosecution witness whose testimony linked Glasser with the crime and failed to resist the presentation of arguably inadmissible evidence. In both instances, the Court found that counsel's intention was to diminish the jury's perception of a co-defendant's guilt. Finding that counsel's "struggle to serve two masters [could not]

seriously be doubted." Id., at 75, the Court determined that an actual conflict of interest impaired Glasser's defense and reversed the conviction.

The facts in the instant case are strikingly similar to Glasser and call for the same result. Attorney Messerman represented Petitioner as well as co-defendant Rauckhorst. Throughout the trial, many occasions arose for counsel to minimize the involvement of Petitioner in the events resulting in the indictment, however, he failed to do so. However, after Petitioner was convicted, counsel filed a Motion under F. R. Crim. P. 29(c) for a Judgment of Acquittal, or in the Alternative, for a New Trial. For the first time, counsel brought to the attention of the trial Court several issues that distinguish

and minimize the involvement of Petitioner (see Appendix).

These issues are not merely tangential or superfluous, but strike at the very heart of the government's case. By way of illustration, the Motion sets forth the following points not previously raised at trial:

1. Petitioner was not an officer, shareholder or employee of FDC;
2. FDC was responsible for the content and preparation of the offering memorandum sent to the prospective investors. There is no evidence Petitioner supplied any false information for inclusion therein;
3. The partnerships created under the FDC Mobile MRI offering memorandum indicated no partnership role for Petitioner. He became a partner

only at the insistence of Diasonics and Phoenix Leasing as a condition of financing;

4. Much of the government's case rested upon claims that co-defendants Duker and Rauckhorst fraudulently purported to have purchased the unsold limited partnership units in FDC Mobile MRI. Petitioner acquired no limited partnership units therein;

5. Petitioner never wrote letters to investors in FDC Mobile MRI. Only co-defendants Duker and Rauckhorst reported to investors in writing;

6. The government claimed that investors' funds were not properly escrowed, however, Petitioner was not a signatory on any accounts in which investors' funds were

deposited and removed.

As in Glasser, counsel "struggled to serve two masters" and, in the process, failed to serve Petitioner. In failing to attack the government's case against Petitioner by emphasizing the issues raised above, counsel clearly demonstrated a conflict of interest. While such a tactic clearly had the intended effect of advancing a united front in the defense of his clients, counsel failed to afford Petitioner the Right to Counsel set forth in the Sixth Amendment to the United States Constitution.

Glasser made it clear that unconstitutional multiple representation is never harmless error. Once an actual conflict of interest has been demonstrated, as here, the court may not

"...indulge in nice calculations as to the amount of prejudice" attributable to the conflict. The conflict itself demonstrated a denial of the "right to have the effective assistance of counsel". Glasser, 315 U.S. at 76.

CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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APPENDIX

A1

NOT FOR FULL TEXT PUBLICATION

No. 94-3500

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,	)
	)
Plaintiff-Appellee,	)
	)
v.	)
	)
JOHN RAUCKHORST and MICHAEL SLAIN,	)
	)
Defendants-Appellants.	)

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OHIO

Before: MILBURN, RYAN and GODBOLD*, Circuit Judges.

GODBOLD, Senior Circuit Judge. The appellants appeal from their convictions for mail fraud in violation of 18 U.S.C. § 1341, transpotation of stolen goods in violation of 18 U.S.C. § 2314, securities fraud in violation of 15

U.S.C. §§ 78j(b) and 78ff, and conspiracy to commit the above offenses in violation of 18 U.S.C. § 371. We affirm the district court's judgment.

*The Honorable John C. Godbold, United States Circuit Judge for the Eleventh Circuit, sitting by designation.

FACTS

The appellants, along with a third defendant, Douglas Duker, wholly or in part, owned three companies: Financial Directors Corporation (FDC), Trans Mobile Nuclear (TMN), and H & D Medical Concepts. FDC engaged in the business of creating partnerships to be sold as investments for third party investors. The defendants, through FDC, created and managed FDC Mobile MRI. FDC Mobile MRI was an Ohio based partnership whose purpose was to purchase mobile magnetic resonance imaging (MRI) machines that would be leased to TMN, who in turn would lease the machines to hospitals in Florida. To establish FDC Mobile MRI, 20 limited partnerships would be sold to investors for $40,000 each. Although twenty investors were sought, only five

investors actually made the $40,000 investment. The offering memorandum stated that the money would be deposited in an escrow account and, if all of the money was not raised by a certain date, the defendants, as the general partners of FDC Mobile MRI, would either purchase the unsold partnerships or return the money to the investors. The investment money was not placed in an escrow account, nor did the defendants purchase the unsold partnerships or return the money.

Prior to actually having 20 investors and contrary to the offering memorandum, FDC Mobile MRI purchased MRI equipment from a California manufacturer, Diasonics, Inc.[1] H & D Medical Concepts formed a distributorship agree-

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[1]Phoenix Leasing financed the purchase.

ment with Diasonics whereby H & D would receive a commission of over $300,000 from the purchase and sale of the equipment to FDC Mobile MRI. According to the invoice, FDC Mobile MRI was billed for the purchase, and the equipment was shipped to TMN at one of the Florida hospitals. Jt. App. 6 at 1175. The $300,000 commission was sent to the defendants and deposited in the H & D Medical Concepts account. Immediately thereafter, checks were drawn on that account, distributing the $300,000 to the three defendants.

DISCUSSION

The district court properly admitted evidence regarding the financial situation of TMN. Appellants contend that the evidence regarding the financial troubles of TMN was irrelevant

and inflammatory. To the contrary, the financial condition of TMN was highly relevant to the issue of fraud since the defendants were inducing third parties to invest large sums of money into the newly formed partnership, FDC Mobile MRI. The offering memorandum, used to sell the investment to the investors, stated that FDC Mobile MRI would purchase the MRI equipment and lease it to TMN. The financial condition of TMN was highly relevant to the issue of whether TMN could make its lease payments to FDC Mobile MRI; thus the evidence was relevant to the issue of whether the appellants engaged in fraud by not disclosing to the investors the true financial condition of TMN. See U.S. v. Smith, 39 F.3d 119, 121-22 (6th Cir. 1994); U.S. v. Biesiadecki, 933

F.2d 539, 542-43 (7th Cir. 1991); U.S. v. O'Malley, 707 F.2d 1240, 1247 (11th Cir. 1983). Reviewing the admission of the evidence for an abuse of discretion, we find none. U.S. v. Schrock, 855 F.2d 327, 333 (6th Cir. 1988) (standard of review for the admission of evidence is abuse of discretion).

Appellants' motion for a new trial based on allegations of prosecutorial misconduct was properly denied. "[P]rosecutorial misconduct cannot support a grant of a new trial unless it is 'so pronounced and persistent that it permeated[d] the entire atmosphere of the trial.'" U.S. v. Bond, 22 F.3d 662, 667 (6th Cir. 1994) (citation omitted). Appellants assert three instances of prosecutorial misconduct: (1) arguments made to the court regarding the rele-

vance of evidence of TMN's financial condition, (2) questions posed to Kathryn Shen, the attorney for FDC Mobile MRI, TMN, and the defendants in violation of the attorney-client privilege, and (3) improper statements during closing arguments.

Since the evidence regarding TMN's financial condition was relevant, there is no merit to appellants' first argument. Appellants complain of two questions posed by the prosecutor on redirect to Shen. Objections were made to both questions. The first objection was sustained, the second objection was overruled. Tr. VI, 1037-38. Appellants also moved for a mistrial at that time, which was denied. Id. at 1037.

Two statements made by the prosecutor during his rebuttal closing argument

were objected to by the appellants. The court sustained the objection to the first statement and admonished the jury to disregard it. The court did not specifically rule on the second statement, but it did give directions to the prosecutor. Overall, the alleged prosecutorial misconduct, if improper, does not rise to the standard requiring a new trial.

The district court denied appellants' motion for judgment of acquittal based on insufficiency of the evidence. This court reviews the decision by viewing the evidence in the light most favorable to the prosecutor to determine whether there is sufficient evidence to conclude rationally that the defendants are guilty beyond a reasonable doubt. U.S. v. Overmyer, 867

F.2d 937, 938 (6th Cir.), cert. denied, 493 U.S. 813 (1989); U.S. v. Steele, 727 F.2d 580, 587 (6th Cir.), cert. denied, 467 U.S. 1209 (1984). After reviewing the exhibits and the trial testimony, we conclude that it was reasonable for the jury to conclude that the appellants were guilty beyond a reasonable doubt.

Appellants contend that they were denied their Sixth Amendment right to effective counsel due to an apparent conflict of interest. The attorneys representing both appellants also represented them jointly at trial with their consent. Slain now argues that most of the evidence pertained to Rauckhorst. Appellants did not raise their argument before or during the trial. "In order to establish a violation of the Sixth Amendment, a

defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Cuyler v. Sullivan, 446 U.S. 335, 348 (1980) (footnote omitted). See also Thacker v. Bordenkircher, 590 F.2d 640, 642 (6th Cir.), cert. denied. 442 U.S. 912 (1979). Appellants have failed to show an actual conflict of interest.

The judgment of the district court is AFFIRMED.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)
	)
Plaintiff,	)
	)
v.	)
	)
DOUGLAS D. DUKER, et al.,	)
	)
Defendants,	)

Case No.: 1:91CR0079

JUDGE: GEORGE W. WHITE

MOTION OF DEFENDANT MICHAEL SLAIN FOR JUDGMENT OF ACQUITTAL, OR, IN THE ALTERNATIVE, FOR A NEW TRIAL

Defendant, Michael Slain, by undersigned counsel, respectfully moves, pursuant to Fed. R. Crim. P. 29(c), for judgment of acquittal, notwithstanding the jury verdict of guilty entered in this matter on October 18, 1993. In the alternative, and in addition, Defendant Slain moves, pursuant to Rule 29(d) and Rule 33 F.R. Crim. P., in the interest

of justice, that a new trial be granted, conditionally or unconditionally.

As grounds for this motion, Defendant Slain states:

1. There is no evidence to support the verdicts of guilty against him.

2. Mr. Slain has been convicted of eight offenses - five counts of mail fraud, one count of conspiracy, one count of securities fraud, and a charge of interstate transportation of stolen money.

3. All eight charges are predicated on the government's claim that an offering memorandum for the sale of limited partnership interests in FDC Mobile MRI contained false statements which fraudulently induced five investors to invest $240,000 in the partnership.

4. The government treated all three defendants as though they were identical. In fact, Defendant Slain's position in the various businesses with which the defendants were associated was significantly different from the positions of his co-defendants. His position was different in the following respects:

A. Defendant Slain was not an officer or shareholder, or employee of FDC. That corporation, the company which organized FDC Mobile MRI, was wholly owned by Duker and Rauckhorst. The evidence establishes that fact.

B. FDC, its principles, and its attorney, Katherine Shen, were responsible for the preparation of the offering memorandum which the government challenges as false. There is no

evidence that Slain supplied any false information for inclusion in the offering memorandum. Nor is there any evidence that Mr. Slain was responsible for preparation of the memorandum.

C. The partnerships to be created pursuant to the FDC Mobile MRI offering memoranda assigned no partnership role to Slain. There were to have been two general partners - Duker and Rauckhorst. Slain was not to have been a general partner or a limited partner. The undisputed evidence establishes that he became a general partner only when Diasonics and Phoenix Leasing insisted that he do so as a condition to the loan to FDC Mobile MRI.

D. No cash contribution was required from Mr. Slain to become a general partner. The offering memoran-

dum did not say that he was to make a cash contribution. No tax return ever reported that he had made a cash contribution.

E. Much of the government's case rested upon the claim that Messrs. Duker and Rauckhorst fraudulently purported to have purchased the unsold limited partnership units in FDC Mobile MRI. Slain acquired no limited partnership units. Nor did any tax returns or financial statement report that he had done so.

F. Messrs. Duker and Rauckhorst regularly reported, in writing, to the investors in FDC Mobile MRI. Mr. Slain wrote no letters to investors. None of the letters referred to in Counts 1 through 5 of the indictment was authored by Slain. When the

offering memorandum was prepared and the initial letters to investors mailed, Mr. Slain conducted the business which he ran, Trans Mobile Nuclear, Inc., out of an office in Beachwood, Ohio. The business of FDC was conducted by Messrs. Duker and Rauckhorst out of an office in Akron.

G. Messrs. Duker and Rauckhorst were general partners in a number of FDC Cat Scan Partnerships. Substantial evidence concerning those partnerships was introduced at trial. Mr. Slain was neither general partner nor a limited partner in any of the Cat Scan partnerships.

H. The indictment and charge to the jury permitted conviction to rest upon the government's claim that the money of the investors was not properly

escrowed. Slain was not a signatore on any of the accounts in which investors' funds were deposited and allegedly improperly removed. Nor did he exercise supervision of the bookkeeping personnel responsible for deposits and withdrawals in the FDC accounts.

I. The indictment and the charge to the jury also permitted conviction to rest upon the defendant's receipt of $308,000 from Diasonics. Guilt was permitted to rest solely upon the government's accusation that the payment of that money was not disclosed in the offering memorandum. The fact of the payment was not concealed. It was expressly disclosed in bankruptcy proceedings and in the transaction documents. Thee is no evidence that Mr. Slain did anything to conceal the

payment. There is no evidence that he was responsible in any way, for determining that the information was not to be included in the offering memorandum.

5. At trial, the government treated all three defendants as though they were identical and interchangeable. That Mr. Slain was not a partner in FDC when the offering memorandum was prepared, never purported to be a limited partner in FDC Mobile MRI, was never a partner in any FDC limited partnerships, and was primarily responsible for the operation of TMN and CISI - all of the factual distinctions between Slain and his co-defendants, were ignored by the government and by the jury.

6. Mr. Slain was not responsible for preparation of the offering

memorandum. He was not responsible or in control of FDC accounts. He was not responsible for nor did he control communication with FDC Mobile MRI investors.

7. The indictment and charge to the jury permitted Mr. Slain to be convicted on the government's claim that the offering memorandum falsely represented the condition of TMN to FDC Mobile MRI investors, notwithstanding the fact that the undisputed evidence demonstrates that Mr. Slain did not conceal any of that information from the person responsible for preparing the offering memorandum or from anyone else. Ms. Shen's own testimony demonstrates that she was fully aware of the status of TMN's accounts with its principle creditors - Phillips and G.E.

8. There is no evidence that Mr. Slain participated in the employment of Sandra Stana or of any other broker employed in connection with the effort to sell limited partnership units in FDC Mobile MRI, nor is there any evidence that Mr. Slain ever sold any partnership interest in any FDC Cat Scan partnerships.

CONCLUSION AND PRAYER

Upon these facts, the evidence is insufficient, as a matter of law, to sustain conviction of Mr. Slain on any of the eight counts of the indictment. See, e.g., United States v. Britzman, 547 F.2d 380 (7th Cir. 1977); United States v. Brooks, 748 F.2d 1199 (7th Cir. 1984). For that reason, defendant respectfully moves that the verdict of guilty returned by the jury be set aside

and that judgment of acquittal be granted. In the alternative, undersigned counsel requests that in the interests of justice, Mr. Slain be granted a new trial pursuant to Rule 33 F. R. Crim. P. The terms of any order granting a new trial, must be determined by the Court's ruling on Mr. Slain's Motion for Judgment of Acquittal, notwithstanding the verdict. Rule 29(d) so dictates by providing:

> If a motion for judgment of acquittal after verdict of guilty under this Rule is granted, the Court shall also determine whether any motion for a new trial should be granted if the judgment of acquittal is thereafter vacated or reversed, specifying the grounds for such determination. If the motion for a new trial is granted conditionally, the order thereon does not affect the finality of the judgment. If the motion for a new trial has been granted conditionally and the judgment is reversed on

> appeal, the new trial shall proceed unless the appellate court has otherwise ordered. If such motion has been denied conditionally, the appellee on appeal may assert error in that denial, and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate court.

Defendant Slain requests a conditional order granting a new trial in the event that the motion for judgment of acquittal is granted, or an unconditional order granting a new trial in the event that a motion for judgment of acquittal is denied.

The interests of justice require that a new trial be granted for the following reasons:

1. The prosecutor, during the examination of Katherine Shen, after objection had been sustained on the basis of the attorney/client privilege,

improperly asked the question and obtained an answer which violated the attorney/client privilege.

2. Throughout trial, the prosecutor improperly suggested that the defendants and their affiliated companies had paid nothing into FDC Mobile MRI for the purpose of sustaining the operation of FDC Mobile MRI. In closing argument, the prosecutor contended that the evidence failed to demonstrate that the defendants or their affiliates had paid more than $1,750,000 to FDC Mobile MRI, notwithstanding the fact that the partnership's tax returns themselves demonstrated a two-year income of $1,920,000 - all from CISI, an affiliate of the defendants. In addition, the prosecutors had available to them information secured by the FBI

which demonstrated that the defendants and their affiliates had paid into FDC Mobile MRI over $1 million in excess of the monies generated by the operations of the FDC Mobile MRI equipment.

3. Throughout trial and in closing argument, the prosecutor improperly suggested that the defendants were required to prove their innocence.

WHEREFORE, Defendant Michael Slain respectfully requests that the jury verdict be set aside, that judgment of acquittal be entered, and that a new trial be granted conditionally. In the alternative, Defendant Slain requests that a new trial be granted unconditionally.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Motion of Defendant Michael Slain for Judgment of Acquittal or, in the Alternative, For a New Trial, was forwarded via hand-delivery, this 3rd day of October, 1993, to the following:

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Cleveland, Ohio 44114

Michael Dane, Esq.
Debra Hughes, Esq.
Federal Public Defender's Office
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1660 West 2nd Street
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Cleveland, Ohio 44113

/s/Gerald A. Messerman
Gerald A. Messerman